

10-01-04

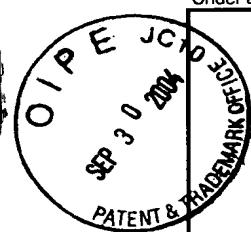
JFC/JB

PTO/SB/21 (04-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/049,321
		Filing Date	July 28, 2000
		First Named Inventor	Ian G. Charles
		Art Unit	N/A
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission		Attorney Docket Number	HO-P02379US0

## ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Return Receipt Postcard
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	23 References
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	FULBRIGHT & JAWORSKI L.L.P. Melissa W. Acosta - 45,872
Signature	
Date	September 30, 2004

### Transmittal

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. ER 147056380 US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: September 30, 2004

Signature: (Annette Devereux)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 180.00)

**Complete if Known**

Application Number	10/049,321
Filing Date	July 28, 2000
First Named Inventor	Ian G. Charles
Examiner Name	Not Yet Assigned
Art Unit	N/A
Attorney Docket No.	HO-P02379US0

**METHOD OF PAYMENT (check all that apply)**

Check  Credit Card  Money Order  Other  None

 Deposit Account:Deposit Account Number **06-2375**Deposit Account Name **Fulbright & Jaworski L.L.P.**

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1051	130	2051	65 Surcharge – late filing fee or oath
1052	50	2052	25 Surcharge – late provisional filing fee or cover sheet.
1053	130	1053	130 Non-English specification
1812	2,520	1812	2,520 For filing a request for ex parte reexamination
1804	920*	1804	920* Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840* Requesting publication of SIR after Examiner action
1251	110	2251	55 Extension for reply within first month
1252	420	2252	210 Extension for reply within second month
1253	950	2253	475 Extension for reply within third month
1254	1,480	2254	740 Extension for reply within fourth month
1255	2,010	2255	1,005 Extension for reply within fifth month
1401	330	2401	165 Notice of Appeal
1402	330	2402	165 Filing a brief in support of an appeal
1403	290	2403	145 Request for oral hearing
1451	1,510	1451	1,510 Petition to institute a public use proceeding
1452	110	2452	55 Petition to revive – unavoidable
1453	1,330	2453	665 Petition to revive - unintentional
1501	1,330	2501	665 Utility issue fee (or reissue)
1502	480	2502	240 Design issue fee
1503	640	2503	320 Plant issue fee
1460	130	1460	130 Petitions to the Commissioner
1807	50	1807	50 Processing fee under 37 CFR 1.17(q)
1806	180	1806	180 Submission of Information Disclosure Stmt
8021	40	8021	40 Recording each patent assignment per property (times number of properties)
1809	770	2809	385 Filing a submission after final rejection (37 CFR 1.129(a))
1810	770	2810	385 For each additional invention to be examined (37 CFR 1.129(b))
1801	770	2801	385 Request for Continued Examination (RCE)
1802	900	1802	900 Request for expedited examination of a design application
Other fee (specify) _____			
*Reduced by Basic Filing Fee Paid		SUBTOTAL (3) (\$)	180.00

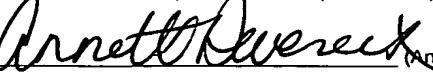
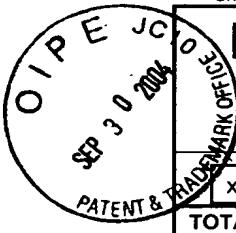
\*\* or number previously paid, if greater; For Reissues, see above

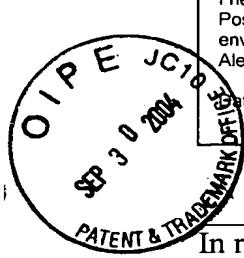
SUBMITTED BY		(Complete if applicable)		
Name (Print/Type)	Melissa W. Acosta	Registration No. (Attorney/Agent)	45,872	Telephone (713) 651-5407
Signature		Date	September 30, 2004	

**Fee Transmittal**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. ER 147056380 US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: September 30, 2004

Signature:  Annette Devereux



I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. ER 147056380 US, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: September 30, 2004 Signature: Annette Devereux  
(Annette Devereux)

Docket No.: HO-P02379US0  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Ian G. Charles et al.

Application No.: 10/049,321

Confirmation No.:

Filed: July 28, 2000

Art Unit: N/A

For: MICROENCAPSULATED NITRIC OXIDE  
SYNTHASE SOURCE

Examiner: Not Yet Assigned

### INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed more than three months after the U.S. filing date, OR more than three months after the date of entry of the national stage of a PCT application, AND after the mailing date of the first Office Action on the merits, whichever occurs first, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)).

A copy of each required reference on the PTO/SB/08 is attached.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an

admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

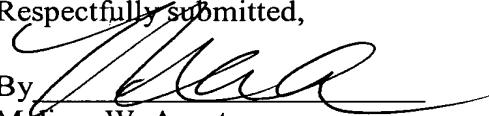
It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

Please charge our Deposit Account No. 06-2375 in the amount of \$180.00 covering the fee set forth in 37 CFR 1.17(p). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 06-2375, under Order No. HO-P02379US0. A duplicate copy of this paper is enclosed.

Dated: September 30, 2004

Respectfully submitted,

By

  
Melissa W. Acosta

Registration No.: 45,872

FULBRIGHT & JAWORSKI L.L.P.

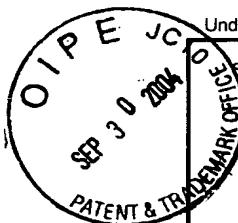
1301 McKinney, Suite 5100

Houston, Texas 77010-3095

(713) 651-5151

(713) 651-5246 (Fax)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.



Substitute for form 1449A/PTO

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

(use as many sheets as necessary)

				<b>Complete if Known</b>	
				<b>Application Number</b>	10/049,321
				<b>Filing Date</b>	July 28, 2000
				<b>First Named Inventor</b>	Ian G. Charles
				<b>Art Unit</b>	N/A
				<b>Examiner Name</b>	Not Yet Assigned
Sheet	1	of	2	Attorney Docket Number	HO-P02379US0

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
AA	US-5,800,829	09-01-1998	Dionne, et al.		
AB	US-5,908,756	06-01-1999	Snyder, et al.		
AC	US-5,840,521	11-24-1998	Barth		
AD	US-5,654,168	08-05-1997	Bujard, et al.		
AE	US-5,922,927	07-13-1999	Bujard, et al.		
AF	US-5,759,836	06-02-1998	Amin, et al.		

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
BA	WO-9900510		01-07-1999	Brigham and Women's Hospital		
BB	WO-0109307		02-08-2001	University College London		
BC	WO-9802555		01-22-1889	Salerno, John C.		
BD	WO-0109375		02-08-2001	University College London		
BE	WO-9933971		07-08-1999	Medical College of Georgia Research Institute, Inc.		
BF	WO-9911620		03-11-1999	Pfizer Products Inc.		
BG	WO-9826066		06-18-1998	Cerasoli, Franklin, Jr.		
BH	WO-9958155		11-18-1999	The Salk Institute For Biological Studies		
BI	WO-9600006		01-04-1996	University of Pittsburgh of the Commonwealth System of Higher Education		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant

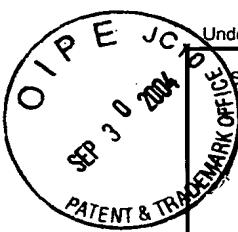
<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See attached Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
CA	Read, Tracy-Ann, et al. Cells Encapsulated in Alginate: A Potential System For Delivery of Recombinant Proteins to Malignant Brain Tumors., Int. J. Devl Neuroscience, Vol. 17, 653-663, 1999.		
CB	No et al., Ecdysone-inducible gene expression in mammalian cells and transgenic mice., Proc. Natl. Acad. Sci. USA 93, 3346-3351, 1996.		
CC	Yoshio et al., A phosphatidylinositol 3-kinase inhibitor wortmannin induces radioresistant DNA synthesis and sensitizes cells to bleomycin and ionizing radiation., International Journal of Cancer, Vol 78, 642-647, Nov. 23, 1998.		
CD	Daniel, Rene et al., A Role for DNA-PK in Retroviral DNA Integration, Science, Vol. 284, 644-647, 1999.		
CE	Kawaguchi et al., In Vivo Gene Transfection of Human Endothelial Cell Nitric Oxide Synthase		

Examiner Signature	Date Considered
--------------------	-----------------

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.



Substitute for form 1449A/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary)				<b>Complete if Known</b>	
Sheet	2	of	2	Application Number	10/049,321
				Filing Date	July 28, 2000
				First Named Inventor	Ian G. Charles
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
				Attorney Docket Number	HO-P02379US0

		in Cardiomycocytes Causes Apoptosis -Like Cell Death., Circulation, Vol. 95, 2441-2447, 1997.	
	CF	Chen et al., Expression and Function of Recombinant Endothelial Nitric Oxide Synthase Gene in Canine Basilar Artery, Circ. Res. Vol. 80, 327-335, 1997.	
	CG	Amin et al., A novel mechanism of action of tetracyclines: Effects on nitric oxide synthases., Proc. Natl. Acad. Sci. USA, Vol.93, 14014-14019, 1996.	
	CH	Christodouloupolous, Garyfallia, et al., Potentiation of Chlorambucil Cytotoxicity in B-Cell Chronic Lymphocytic Leukemia by Inhibition of DNA-dependent Protein Kinase Activity sing Wortmannin, Cancer Research 58, 1789-1792, 1998.	
	CI	Xie et al., Transfection with the Inducible Nitric Oxide Synthase Gene Suppresses Tumorigenicity and Abrogates Metastasis by K-1735 Murine Melanoma Cells., J. Exp. Med. Vol. 181, 1333-1343, 1995.	
	CJ	Kullo et al., Expression and Function of recombinant Endothelial NO Synthase in Coronary Artery Smooth Muscle Cells., Arterio. Thromb. Vasc. Biol. 17, 2405-2412, 1997.	
	CK	Del Real, Gustavo, et al., Suppression of HIV-1 infection in linomide-treated SCID-hu-PBL mice., AIDS(London), Vol. 12, 865-872, May, 28, 1998.	
	CL	Invitrogen, "Ecdysone-Inducible Mamalian Expression System: An Inducible Gene Expression System for Mammalian Cells Utilizing the Ecdysone Analog Ponasterone A., Version E, 1998-2000	
	CM	Invitrogen, T-Rex System: A Tetracycline-regulated Expresson System for Mammalian Cells., Version D, 1999-2000.	
	CN	Iwashina et al, "Transfection of Inducible Nitric Oxide Synthase Gene Causes Apoptosis in Vascular Smooth Muscle Cells," Circulation Vol. 98, 1998, pgs. 1212-1218.	

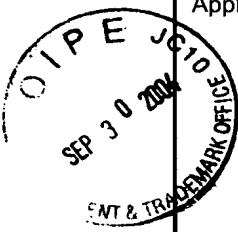
\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	Date Considered
--------------------	-----------------

Application No. (if known): 10/049,321

Attorney Docket No.: HO-P02379US0



## Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. ER 147056380 US in an envelope addressed to:

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on September 30, 2004  
Date

  
\_\_\_\_\_  
Signature

Annette Devereux  
\_\_\_\_\_  
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

IDS (Citation) by Applicant